

PLEASE TAKE NOTICE that, upon (i) the Declaration of Daniel H. Tabak dated December 15, 2017, with exhibits annexed thereto, (ii) Defendant MidOcean US Advisor, LP's ("MidOcean") Local Civil Rule 56.1 Statement of Undisputed Material Facts, (iii) the accompanying Memorandum of Law in Support of Defendant MidOcean's Motion for Summary Judgment, and (iv) all prior papers, pleadings, and proceedings in this action, Defendant MidOcean, by its undersigned attorneys, Cohen & Gresser LLP, will move this Court before the Honorable Sidney H. Stein, in Courtroom 23A, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court or as soon thereafter as counsel can be heard, for an Order (i) pursuant to Federal Rule of Civil Procedure 56, granting summary judgment against Plaintiff Harvey Company, LLC, and (ii) granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Magistrate Judge James C. Francis's Order, dated October 26, 2017 (Dkt. No. 45), answering papers are required to be served upon the undersigned on or before January 26, 2018, and replies are required to be served on or before February 16, 2018.

Dated: December 15, 2017  
New York, New York

Respectfully submitted,

**COHEN & GRESSER LLP**

By: /s/ Daniel H. Tabak  
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